

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**OCTOBER 2019 GRAND JURY
(Impaneled October 18, 2019)**

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

Violations:

DUSTIN J. POST

Title 18, United States Code,
Sections 2251(a), 2252(e), 2252A(a)(5),
and 2252A(b)(2)
(5 Counts and Forfeiture Allegation)

COUNT 1

(Production of Child Pornography)

The Grand Jury Charges That:

Between on or about April 1, 2019, and on or about October 8, 2019, the exact date being unknown to the Grand Jury, in the Western District of New York, the defendant, DUSTIN J. POST, having a prior conviction under the laws of the State of New York relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor, did employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, that is, a digital file bearing the name KVID0040.mp4, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 2

(Production of Child Pornography)

The Grand Jury Charges That:

Between on or about April 1, 2019, and on or about October 8, 2019, the exact date being unknown to the Grand Jury, in the Western District of New York, the defendant, DUSTIN J. POST, having a prior conviction under the laws of the State of New York relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor, did employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, that is, a digital file bearing the name KVID0042.mp4, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 3

(Possession of Child Pornography)

The Grand Jury Charges That:

On or about November 15, 2019, in the Western District of New York, the defendant, DUSTIN J. POST, having a prior conviction under the laws of the State of New York relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor, did knowingly possess material, that is, a Kyocera Duraforce Pro II cellular telephone, Model No. E6910, bearing International Mobile Equipment Identity Number 015100001245696,

that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 4

(Possession of Child Pornography)

The Grand Jury Charges That:

On or about November 15, 2019, in the Western District of New York, the defendant, DUSTIN J. POST, having a prior conviction under the laws of the State of New York relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor, did knowingly possess material, that is, a Maxtor DiamondMax 21 Hard Drive, Model STM3500630A, bearing serial number 9QG0K76F, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped

and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 5

(Possession of Child Pornography)

The Grand Jury Charges That:

On or about November 15, 2019, in the Western District of New York, the defendant, DUSTIN J. POST, having a prior conviction under the laws of the State of New York relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor, did knowingly possess material, that is, a SanDisk 128 GB thumb drive, bearing an unknown serial number, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses set forth in Counts 1 through 5 of this Indictment, the defendant, DUSTIN J. POST, shall forfeit to the United States any matter which contains any such visual depiction of child pornography which was produced, transported, mailed, shipped, and received, and any and all property, real and personal, used and intended to be used to commit and promote the commission of such offense, and all property traceable to such property, including but not limited to the following:

- a. Maxtor DiamondMax 21 Hard Drive, Model STM3500630A, bearing serial number 9QG0K76F;
- b. Kyocera Duraforce Pro II cellular telephone, Model No. E6910, bearing International Mobile Equipment Identity Number 015100001245696; and
- c. SanDisk 128 GB thumb drive, bearing and unknown serial number.

All pursuant to Title 18, United States Code, Sections 2253(a)(1), 2253(a)(3), and 2428(a).

DATED: Buffalo, New York, February 20, 2020.

JAMES P. KENNEDY, JR.
United States Attorney

BY: S/DAVID J. RUDROFF
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716-843-5806
David.Rudroff@usdoj.gov

A TRUE BILL:

S/FOREPERSON